

John W. Howard (SBN 80200)
Michelle D. Volk (SBN 217151)
Peter C. Shelling (SBN 351159)
JW HOWARD | ATTORNEYS, LTD.
600 West Broadway, Suite 1400
San Diego, CA 92101
Tel (619) 234-2842
Johnh@jwhowardattorneys.com
Michelle@jwhowardattorneys.com
Pshelling@jwhowardattorneys.com

Scott J. Street (SBN 258962)
JW HOWARD | ATTORNEYS, LTD.
201 South Lake Avenue, Suite. 303
Pasadena, CA 91101
Tel (213) 205-2800
sstreet@jwhowardattorneys.com

Attorneys for Defendant, Patrick M. Byrne

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROBERT HUNTER BIDEN,

Plaintiff,

vs.

PATRICK M. BYRNE,

Defendant.

Case No.: 2:23-CV-09430-SVW-PD

**MOTION TO WITHDRAW AS
COUNSEL FOR DEFENDANT,
PATRICK M. BYRNE**

Date: 3/18/24

Time: 3:00 p.m.

John W. Howard, Scott J. Street, Michelle D. Volk, and Peter C. Shelling of JW Howard Attorneys, Ltd, seek an Order permitting withdrawal as counsel of record for Defendant Patrick Byrne pursuant to Local Rule 83.3(f).

As stated in the concurrently filed Declaration of John W. Howard, this motion is necessary to remove JW Howard Attorneys and counsel (hereinafter “the Firm”) as the attorneys of record from the above-entitled case. This is due to a fundamental breakdown in communication which makes representation extremely difficult.

As set forth below, good cause exists to grant the motion and Mr. Byrne will not suffer any prejudice if this motion is granted. In addition, Plaintiff's counsel has no objection to the request. Mr. Byrne's current co-counsel as well as opposing counsel will be served with the instant motion as required.

Factual Background

The Firm was recently retained to assist in representing Mr. Byrne immediately before the conference at which the Court set the current trial date and associated deadlines on March 18, 2024. (Howard Declar. at ¶ 2). Unfortunately, since those deadlines were set, there has been a breakdown in communications between the Firm and Mr. Byrne which resulted in Mr. Byrne seeking new counsel to represent him in the Central District of California. (Howard Declar. at ¶ 3).

Diligence of Counsel and Absence of Prejudice

To alleviate any prejudice to Mr. Byrne, the Firm has been diligently attempting to gather evidence to comply with the existing discovery deadlines and move this case toward trial in December 2024. (Howard Declar. at ¶ 4) We served Mr. Byrne's initial disclosures on April 1, 2024. (*Id.*) We also secured a one-week extension of Mr. Byrne's deadline to respond to written discovery requests. (*Id.*) Those responses are now due on April 26, 2024. They are being prepared by Mr. Byrne's other counsel. (*Id.*)

Mr. Byrne will not be prejudiced by the Firm's withdrawal from representation. (Howard Declar. at ¶ 5). In fact, Mr. Byrne has other counsel in the case, and he is in the process of retaining additional attorneys. (*Id.*) Furthermore, trial is not scheduled for eight months. (*Id.*) Discovery is in the very early stages as only Plaintiff has propounded his first set of written discovery. (*Id.*) Prior to filing the instant motion, the Firm contacted opposing counsel of our intent to withdraw. Plaintiff's counsel expressed no opposition to our request. (*Id.*)

Accordingly, for the reasons discussed above, good cause exists to grant the

1 instant Motion to Withdraw. Mr. Byrne will suffer no prejudice and Plaintiff has no
2 objection to the instant motion.

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4 Respectfully submitted,

5 Dated: April 19, 2024

JW HOWARD/ ATTORNEYS, LTD.

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8 By: /s/ John W. Howard

9 John W. Howard
10 Scott J. Street
Michelle D. Volk
Peter C. Shelling

11 Attorneys for Defendant Patrick M. Byrne
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JW HOWARD/ ATTORNEYS, LTD.
600 WEST BROADWAY, SUITE 1400
SAN DIEGO, CALIFORNIA 92101

CERTIFICATE OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed by JW Howard/Attorneys, LTD. in the County of San Diego, State of California. My business address is 600 West Broadway, Suite 1400, San Diego, California 92101.

On April 19, 2024, I electronically filed the **MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT, PATRICK M. BYRNE** and served the documents using the Court's Electronic CM/ECF Service which will send electronic notification of such filing to all registered counsel.

On April 19, 2024, I e-served upon Attorneys for Defendant, Patrick M. Byrne at:
Russell Newman: russell@thenewmanlawfirm.com
Stefanie Lambert: AttorneyLambert@protonmail.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 19, 2024 at San Diego, California.

/s/ Dayna Dang
Dayna Dang, Paralegal
dayna@jwhowardattorneys.com